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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court  
Southern District of Texas

**ENTERED**

Darian Baker,

Plaintiff,

*versus*

City of Clute, et al.,

Defendants.

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November 16, 2016

David J. Bradley, Clerk

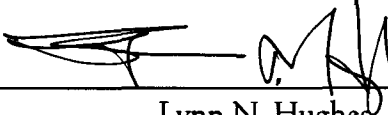
Civil Action H-16-2068

### Opinion on Recusal

1. Darien Baker moves for the court to recuse itself because it is biased.
2. Baker says that the court called him stupid several times. The court said maybe he was young once and stupid; a person can be real smart and do stupid things. The court agreed with the district attorney's decision not to proceed against Baker because it was not worth the damage it would have done to him. The term "stupid" was not used to insult Baker.
3. Baker brought his father, Edmond Baker, to court. He insisted on intruding. The court tolerated his dominating the discussion until he became obstreperous. At that point, he was asked to leave. When he was a spectator at the next hearing he shouted from the gallery. He was asked to wait in the hall. Baker suggests that the court is biased against him because it disciplined his father. He may take that as bias, but it is an instance of the court responsibly conducting its proceedings. All the court knows about Baker and his father is from the papers filed and their behavior in court. There was no occasion for bias or prejudice, and Baker articulates none.

4. Baker should not have been surprised by the court's ruling. The rules require Baker to have made a thorough investigation of the law and facts before suing. The first hearing lasted two hours, and the second hearing lasted an hour and one-half. During that time the court worked to elicit something that may have been missing from Baker's complaint that might have been justiciable. The court dismissed the case based on what Baker pleaded in his complaint and presented to the court. An adverse ruling – like a dismissal – cannot be evidence of bias because it is an integral judicial function: bias must be arbitrary and shown to stem from an extrajudicial source.<sup>1</sup>
5. Darien Baker's motion for recusal will be denied.

Signed on November 15, 2016, at Houston, Texas.

  
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Lynn N. Hughes  
United States District Judge

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<sup>1</sup> 28 U.S.C. § 144; United States v. Grinnell Corp., 384 U.S. 563 (1966).